

Introduction

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Background and Lessons Learned

In 1988, in response to overwhelming evidence that minority youth were disproportionately confined in the nation's secure facilities, Congress amended the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Public Law 93-415, 42 U.S.C. 5601 *et seq.*). This amendment mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans. Specifically, the amendment required the state, if the proportion of a given group of minority youth detained or confined in its secure detention facilities, secure correctional facilities, jails, and lockups exceeded the proportion that group represented in the general population, to develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).

In its 1992 amendments to the JJDP Act, Congress elevated DMC to a core requirement, tying 25 percent of each state's Formula Grant allocation for that year to compliance. Ten years later, Congress modified the DMC requirement of the JJDP Act of 2002 to require all states that participate in the Formula Grants Program to address "juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system." This change broadens the DMC core requirement from disproportionate minority "confinement" to disproportionate minority "contact," and it further requires the states to institute multipronged intervention strategies including not only juvenile delinquency prevention efforts but also system improvements to assure equal treatment of all youth. In sum, the broadening of the DMC core requirement in the JJDP Act of 2002 reflects two important lessons learned in the field of DMC in the preceding 12 years:

Lesson 1

Disproportionality can exist not only in detention and corrections but also in other contact points of the juvenile justice system.

As states have undertaken efforts to reduce disproportionate minority confinement for youth, they have found evidence that disproportionality occurs at every contact point within the juvenile justice system, from arrest to cases transferred to criminal court and not just at detention and correction. Moreover, what happens to youthful offenders during their initial contacts with the juvenile justice system influences their outcomes at the later

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stages, leading to a commonly observed amplification phenomenon (i.e., the extent of minority overrepresentation amplifies as minority youth penetrate deeper into the juvenile justice system). Therefore, to both understand the mechanisms that lead to DMC (which hereafter stands for disproportionate minority contact) and design appropriate intervention strategies to address these specific contributing mechanisms, one must first examine all contact points throughout the juvenile justice system from arrest to transfer to adult court and then target intervention at the relevant and selected priority contact points.

Lesson 2

Many factors contribute to DMC at different juvenile justice system contact points, and a multipronged intervention is necessary to reduce DMC.

In the first 12 years of the disproportionate minority “confinement” initiative, most states undertook prevention and intervention strategies to reduce delinquency among minority youth. Few states implemented a more comprehensive approach to also make their juvenile justice system response consistently fair. (For a case example of such a comprehensive approach, see the OJJDP Summary, *Disproportionate Minority Confinement: 2002 Update*, pp. 19–38.) The disproportionate minority “contact” requirement in the JJDP Act of 2002 reaffirms the fact that DMC is the result of a number of complex decisions and events and that only through a comprehensive, balanced, and multidisciplinary approach can the states and localities reduce DMC.

Additional important lessons learned in the field of DMC include the following:

Lesson 3

Data are powerful tools, and DMC intervention strategies need to be data based.

Data are essential to determine if minority youth come into contact at disproportionate rates with the juvenile justice system, at which decision points, to what extent, and for which racial or ethnic groups. Once states and localities have collected and utilized the above data, they must collect further quantitative and qualitative data to determine the factors/mechanisms that contribute to the observed disproportionality. Moreover, these data, collected over time, should allow jurisdictions to compare changes in DMC trends in a particular locale and to examine if specific DMC reduction strategies have led to the intended outcome. In sum, data are powerful tools in guiding every phase of DMC reduction efforts.

Lesson 4

DMC reduction requires support from the top.

The enactment of the JJDP Act, with the inclusion and the broadening of the DMC core requirement for all states participating in the Formula Grants Program, underscores the strong support for DMC reduction that exists in Congress. OJJDP must diligently enforce this core requirement by setting uniform standards in its annual determination of states’

DMC compliance status and unfailingly administering the consequences of noncompliance as the JJDP Act specifies: i.e., by restricting the drawdown of 20 percent of that state's Formula Grant allocation in the subsequent year.

At the state level, support from Governors and directors of the state agencies designated to administer federal JJDP funds leads to statewide DMC conferences and significant financial investments in DMC reduction activities. Such support demonstrates the strong state-level leadership required for serious DMC reduction efforts.

Lesson 5

DMC reduction needs to occur at the local level.

Juvenile justice systems vary from state to state and from locality to locality. DMC reduction efforts must occur at the local level based on the data collected regarding the existence, extent, and nature of DMC; the resource availability versus resource gaps; and a resultant locally developed, comprehensive DMC reduction plan. The systematic execution of the local plan requires the top-down support from local agency directors and bottom-up support from all line workers and other staff throughout the agencies involved in juvenile justice. DMC reduction at the local level at multiple sites collectively reflects DMC reduction at the state level. Likewise, DMC reduction in multiple states leads to DMC reduction at the national level.

Lesson 6

DMC reduction requires strong partnerships.

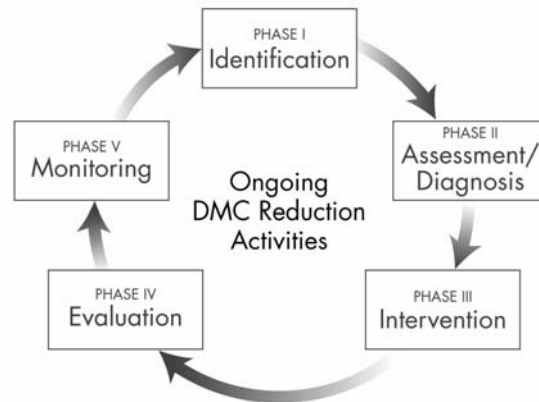
As discussed earlier, DMC is the result of a number of complex decisions and events, and the reduction of DMC requires a comprehensive, balanced, and multidisciplinary approach. That multidisciplinary approach implies, horizontally, a partnership of all stakeholders, public and private, at the local, state, and federal levels. To further strengthen horizontal state and local DMC reduction partnerships, OJJDP's enforcement of the DMC core requirement and provision of financial and technical assistance to states and localities, together with states' financial and technical assistance to localities, help create the vertical partnerships that are required for successful DMC reduction efforts.

Lesson 7

DMC reduction demands sustained efforts.

DMC is a complex and longstanding phenomenon that demands steadfast and sustained efforts. OJJDP, states, and localities must sustain the top-down and bottom-up support and horizontal and vertical partnerships described above to enable continuous DMC reduction efforts that are succinctly depicted in the following diagram.

The DMC Reduction Cycle



Lesson 8

Evidence-based DMC reduction efforts are scarce.

The ultimate success of the DMC initiative is measured not only by the number of states in compliance with the DMC core requirement but also by the effectiveness of the DMC activities in actually reducing the minority overrepresentation at every decision point of the juvenile justice system. Therefore, measuring or evaluating outcomes must be an integral part of all DMC reduction activities.

Despite the expansion of the DMC core requirement from “confinement” to “contact,” the purpose of the DMC core requirement remains the same: to ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity. OJJDP has incorporated the lessons this Office and the field have learned over the years into this *Disproportionate Minority Contact Technical Assistance Manual (3rd Edition)* to provide the field with up-to-date guidance on continuing DMC reduction efforts across the country. States and localities should use this manual along with a companion tool that OJJDP also provides: the Web-based Data Entry System at www.dsgonline.com/dmc. Localities and states can enter raw data concerning the volume of activities by race and ethnicity at different juvenile justice decision points to calculate the existence and extent of DMC as expressed by the Relative Rate Indexes.

Overview of This Manual

Chapter 1, *Identification and Monitoring*, presents in detail this new and improved method to calculate and analyze disproportionality. Chapter 1 and chapter 2, *Assessment*, also discuss lessons learned about the power of data, specifically, how jurisdictions can use data to facilitate their decisionmaking regarding where and how they should focus their efforts to recognize and understand their specific DMC issues. Chapter 3, *Preparation at the Local Level*, builds on what DMC reduction efforts need to occur at

the local level and illustrates ways local communities can prepare to undertake a multidisciplinary and collaborative approach in this area. Chapter 4, *Intervention*, has been developed through an extensive literature search, which found few DMC reduction programs that have been proven effective. Nevertheless, this chapter endeavors to match intervention strategies with identified factors/mechanisms that contribute to disproportionality and to identify strategies that are promising or “developing” (i.e., are likely to become promising with further development and evaluation). Chapter 5, *Evaluation*, illustrates the differences between performance measurement and evaluation and how evaluation builds on performance measurement. To enhance the applicability of this chapter, ways to assess the performance and evaluate the effectiveness of some commonly used strategies to reduce disproportionality at detention are discussed in detail. Lastly, chapter 6, *Federal, State, and Local Partnerships*, describes the importance of strong horizontal and vertical partnerships at all levels in facilitating and sustaining DMC reduction activities and presents examples from North Carolina.

This manual is published electronically to capitalize on three technological advantages:

- Wide distribution at low cost.
- In-text hyperlinks that allow readers to immediately access reference materials and sources under discussion.
- Annual updates at low cost as new knowledge and resources emerge for chapters 1 through 5 and new state examples emerge for chapter 6. For example, few DMC reduction strategies have been shown to be effective. Those that have are in the area of reducing disproportionality at detention, in part because of the more than 10 years’ focus on minority overrepresentation in confinement. OJJDP hopes to expand, over time, chapter 5 to include an increasing number of promising and/or effective approaches to reduce disproportionality at all system contact points. Similarly, as more states systematically invest in financial support of their local DMC reduction sites, aggressively seek and/or provide technical assistance support to them, and track progress made in these sites, OJJDP will feature these efforts in chapter 6.